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Subject: Stage 1 DBP items

Harold:

I found a signed copy of the "Implementation Agreement" which I will FAX to you. Christine had signed it. It outlines the activities that R2 and VDPNR agree to in carrying out the Stage 1 Rule prior to the VI obtaining primacy for the rule.

Note that the first activity - that of notifying all applicable systems of the Stage 1 requirements within 90 days of the signing of the agreement - probably didn't happen, but that is something you may will need to be considering how to do soon.

In a nutshell, the following process describes what is needed for a primacy submittal.

The primacy submittal pkg that VIDPNR will be submitting for primacy approval will consist of:

1. a crosswalk (in the case of passage of the "adopt by reference", the crosswalk would simply indicate the correct regulatory section of the VI DW regs.
2. There is a checklist, of which there is a copy of in the draft implementation manual for overall implementation of the MDBP Rule (you should have a copy of this, but if not, let me know) which list the items necessary for submittal. It is called the State Primacy Revision Checklist. It essentially lists the 142.10 items (i.e., program elements that a state is required to have in place to have primacy).
3. A copy of the State's regulation. This would be the VI DW Regs. I have a near-unreadable copy (all jumbled up, pages missing etc. If you happen to have a clean version, in order, somewhere, please send).
4. There is another checklist pertaining to reporting and recordkeeping requirements of the State.
5. There is a list of special primacy requirements (also found in the rule itself at 142.16) that the state has to perform, or verify that they have, or will do, etc. I will be FAXing this list of "Special Primacy Requirements" to you along with the copy of the signed agreement. Again, note that these requirements are in the rule itself at 142.16, which deals with state requirements (vs. 141 which lays out what PWSs have to do).
6. The State Attorney General's Statement of Enforceability (AG Statement) is the final piece required for a complete primacy submittal pkg.

All of the above items are covered in the Implementation Manual (~~which is still in the draft form,~~ but can be used as you develop the submittal material). Again, let me know if you can't find a copy and I'll have EPA HQ send out a version.

This particular Rule, the Stage 1 DBPR, like all other EPA regs, has a 2 year period from publication in the federal register to when a State is supposed to obtain full primacy (i.e., submittal of an approved pkg consisting of the above items). The deadline for this is 2 years from publication/promulgation, which is December 16, 2000.

Final, you should have a copy.

Similarly, the CCR deadline comes up this August, and the "primacy" rule, consisting of certain aspects relating to primacy (Administrative Penalty, Emergency Language and PWSS Definition) is past due (April 28, 2000).

If a State will not be submitting an approved pkg within the 2 year timeframe , it is required to request an extension, which, if approved by EPA, results in an extension agreement, which requires submittal of a primacy pkg within an additional timeframe, not to exceed 2 years beyond the original.

We may need to begin dealing with an extension request for some of these rules, but at this point, I would suggest getting a hold of the implementation manuals for both the Stage 1 DBP, and the CCR (of which you should also have a copy) and look at the primacy submittal sections, and determine how to begin putting the submittal pkg together.

I will shortly be sending out a list of all new regs required to be adopted. You can use that as a guide to the various pkgs that will be needed in the short term. Keep me notified as to the status of the "adopt by reference" legislation progress.

Call me or email with any questions.

thanks